

REMARKS/ARGUMENTS

This is in response to the official action dated August 3, 2010.

The examiner requires restriction among Groups 1-4. Applicant hereby elects Group 1, relative to claims 1-9 and 19-21, for prosecution on the merits.

The election of Group 1 is WITH TRAVERSE, as applicant's position, as set forth below, is that Groups 1-3 form a single general inventive concept under PCT Rule 13.1. Applicant does not traverse the restriction as to Group 4.

The single inventive concept of Groups 1-3 is the relationship between the concentration of the sialic acid precursor additive in the culture medium and the degree of sialylation of the glycoprotein of interest. The control of the degree of sialylation via the concentration of the precursor in the medium is an important principle underlying the present invention, and is a limitation which is present in all claims of these three groups. The examiner takes the position that Jacobs et al. teaches the common inventive concept. The examiner characterizes the concept as simply the 'highly active glycoprotein', but this is not correct. Nowhere does the reference suggest the relationship between the concentration of the sialic acid precursor additive in the culture medium and the degree of sialylation of the glycoprotein of interest, which feature is present in all of claims 1-11 and 19-21. As these claims are unitarily linked by this feature, and this feature is not present in Jacobs et al., then the restriction requirement should be withdrawn as to Groups 1-3.

While applicant submits that Groups 1-3 should remain within the present

application for examination on the merits, should the examiner maintain the restriction to Group 1, applicant hereby requests rejoinder and consideration of the claims of Groups 2 and 3 upon allowance of a product claim of Group 1. The claims of Groups 2 and 3 have been amended herewith to require the limitations of the product claims.

EXTENSION OF TIME

Applicant hereby requests a three-month extension of time, the fee for which may be charged to Deposit Account no. 14-1263.

Early and favorable action is earnestly solicited.

Respectfully submitted,
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